

# ***EXHIBIT R***

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1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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4 DALE SKYLLINGSTAD, )  
5 individually, )  
6 Plaintiff, )  
7 vs. ) 2:18-cv-00648-BHS  
8 NATIONAL RAILROAD PASSENGER )  
9 CORPORATION d/b/a AMTRAK, )  
Defendant. )  

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10 VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF

11 JEFF GREENWELL

12 \*\*\*CONFIDENTIAL\*\*\*

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14 9:33 A.M.

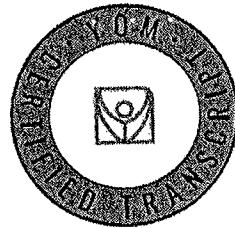
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16 FEBRUARY 13, 2019

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18 1420 FIFTH AVENUE, SUITE 4200

19 SEATTLE, WASHINGTON



24 REPORTED BY: JUDY STEENBERGEN-WEBB, CCR NO. 2495



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<p style="text-align: right;">Page 126</p> <p>1 those the eastbound trains?</p> <p>2 A. Eastbound and the non-Cascades Amtrak trains</p> <p>3 that operate south to LA.</p> <p>4 Q. Like the Coast Starlight down to Los Angeles</p> <p>5 and the Empire Builder to Chicago?</p> <p>6 A. Correct.</p> <p>7 Q. Now, you were asked some questions about some</p> <p>8 of these exhibits, if I could see that stack of</p> <p>9 exhibits.</p> <p>10 Showing you what was marked as Exhibit Number</p> <p>11 4, which the front page is General Order Number 3</p> <p>12 Sounder Commuter Rail Division, second page is General</p> <p>13 Order Number 2 Sounder Commuter Rail Division, and the</p> <p>14 third page is General Order Number 1 Sounder Commuter</p> <p>15 Rail Division.</p> <p>16 Are these Amtrak-generated documents?</p> <p>17 A. No, they are not.</p> <p>18 Q. Would those have come from BNSF?</p> <p>19 A. As noted on the document itself, yes. It</p> <p>20 comes from BNSF Railway.</p> <p>21 Q. And then Exhibit Number 5 is a document</p> <p>22 entitled General Track Bulletin for December 17th, two</p> <p>23 thousand and -- or December 18th, 2017; is that</p> <p>24 correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. At various times in the questioning from</p> <p>2 Mr. Driscoll and your testimony on direct, there was a</p> <p>3 reference to the 19.8 curve.</p> <p>4 To be technically correct, I guess we'd be</p> <p>5 referring to the curve at Milepost 19.8; is that --</p> <p>6 would that be fair?</p> <p>7 A. Correct. Yes.</p> <p>8 Q. Okay. So when you're talking about the curve</p> <p>9 where this derailment occurred, that was the curve that</p> <p>10 started at Milepost 19.8, correct?</p> <p>11 A. Yes.</p> <p>12 Q. If you look at that section on speed --</p> <p>13 permanent speed restrictions, there's a section there</p> <p>14 that says milepo -- for southbound trains there's a</p> <p>15 section that says Milepost 19.8 to Milepost 19.9, and</p> <p>16 it's got 30.</p> <p>17 Would that be 30 miles per hour?</p> <p>18 A. Correct, yes.</p> <p>19 Q. For Talgo trains, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And this train that was -- Train 501 was a</p> <p>22 Talgo train, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And it's also got a 30-mile-per-hour reference</p> <p>25 to passenger trains, correct?</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. And is that an Amtrak-generated document?</p> <p>2 A. No, it is not.</p> <p>3 Q. Who generates that document?</p> <p>4 A. Burlington Northern Santa Fe.</p> <p>5 Q. Then Exhibit Number 6 is the timetable,</p> <p>6 Timetable Number 2 for Sounder Commuter Rail; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And who generates that document?</p> <p>10 A. Sound Transit.</p> <p>11 Q. At various times during your testimony on</p> <p>12 direct you were referred to, quote, the railroad.</p> <p>13 Were you referring to the host railroad?</p> <p>14 A. Yes.</p> <p>15 Q. And that would be the railroad that owns and</p> <p>16 operates the trackage?</p> <p>17 A. Yes.</p> <p>18 Q. In this case, on this section of trackage, the</p> <p>19 Point Defiance Bypass, that would be Sound Transit,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. If you look at Page 2 of this timetable,</p> <p>23 there's a section that refers to speed and permanent</p> <p>24 restrictions; do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 129</p> <p>1 A. Yes.</p> <p>2 Q. So the speed restriction that was in place at</p> <p>3 Milepost 19.8 was contained within this timetable,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. This would be a timetable that the engineers</p> <p>7 and the crew members had on December 17th -- December</p> <p>8 18th, 2017?</p> <p>9 A. Yes. They're required to carry it.</p> <p>10 Q. And they're required to comply with it,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. Per Amtrak's guidelines?</p> <p>14 A. Yes.</p> <p>15 Q. And in terms of your training for the training</p> <p>16 that was given to crew members with regard to this</p> <p>17 section of trackage, and specifically the presence of</p> <p>18 this curve, there was instruction regarding this curve</p> <p>19 and this speed restriction at Milepost 19.8, correct?</p> <p>20 A. There was noted in the timetable. Yes.</p> <p>21 Q. And they referred to that during their</p> <p>22 training, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And they had familiarization trips, multiple</p> <p>25 familiarization trips through that area, correct?</p>



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<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 MR. DRISCOLL: Objection; foundation.</p> <p>3 Q. (BY MR. WACKERBARTH) At least with regard to</p> <p>4 the conductor training that you conducted?</p> <p>5 A. Yes. I didn't train them but was there.</p> <p>6 Q. You were on the routes?</p> <p>7 A. Yes.</p> <p>8 Q. You were on the training trips?</p> <p>9 A. Yes.</p> <p>10 Q. Some of them.</p> <p>11 Was this section of trackage in compliance</p> <p>12 with the FAST Act?</p> <p>13 A. Yes, it was.</p> <p>14 Q. And how so?</p> <p>15 MR. DRISCOLL: Objection; form,</p> <p>16 foundation. Objection; form, foundation.</p> <p>17 A. There was an advance speed board prior to --</p> <p>18 approximately two miles prior to the speed -- the</p> <p>19 reduction in speed requirement there for 30.</p> <p>20 Q. (BY MR. WACKERBARTH) Did that advance speed</p> <p>21 restriction sign inform the operating crew members of</p> <p>22 the 30-mile-per-hour restriction at Milepost 19.8?</p> <p>23 A. Yes.</p> <p>24 MR. DRISCOLL: Objection; form and</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 132</p> <p>1 December 18th, 2017?</p> <p>2 A. Yeah.</p> <p>3 Q. You were also asked some questions about the</p> <p>4 Amtrak general orders and the involvement of corporate</p> <p>5 in those general orders.</p> <p>6 And as I understand your testimony, corporate</p> <p>7 can generate a systemwide general order, but do they</p> <p>8 generate the sections of that order that deal with</p> <p>9 local speed restrictions such as the one at Milepost</p> <p>10 19.8?</p> <p>11 MR. DRISCOLL: Objection; form,</p> <p>12 foundation.</p> <p>13 A. No.</p> <p>14 Q. (BY MR. WACKERBARTH) Is that something that</p> <p>15 the local division or subdivision would input into that</p> <p>16 general order?</p> <p>17 A. Yes.</p> <p>18 MR. WACKERBARTH: I don't have anything</p> <p>19 further. Thank you, Mr. Greenwell.</p> <p>20 MR. DRISCOLL: I have some follow up,</p> <p>21 Mr. Greenwell.</p> <p>22</p> <p>23 FURTHER EXAMINATION</p> <p>24 BY MR. DRISCOLL:</p> <p>25 Q. Mr. Greenwell, you were asked some questions</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. (BY MR. WACKERBARTH) And you've had some</p> <p>2 testimony about Amtrak's compliance with the FAST Act,</p> <p>3 and as I understand your testimony, it had to do with</p> <p>4 the fact that this particular speed restriction had not</p> <p>5 yet made it into Amtrak's general order; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Was the intent to put it into that general</p> <p>9 order at some point -- at some point?</p> <p>10 MR. DRISCOLL: Objection; form</p> <p>11 foundation.</p> <p>12 A. Yes.</p> <p>13 Q. (BY MR. WACKERBARTH) And when service resumes</p> <p>14 at this location, I take it it will be within that</p> <p>15 general order?</p> <p>16 A. Yes.</p> <p>17 Q. You were also asked some questions about PTC</p> <p>18 or Positive Train Control; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Were you aware as to what date Congress</p> <p>21 mandated Positive Train Control to be in effect?</p> <p>22 A. Yes.</p> <p>23 Q. Was that December 31st, 2018?</p> <p>24 A. Yes.</p> <p>25 Q. And this incident occurred December 17th -- or</p>	<p style="text-align: right;">Page 133</p> <p>1 regarding the general orders of Amtrak.</p> <p>2 Do you recall that?</p> <p>3 A. Yes.</p> <p>4 Q. Did General Orders 2017-S07 apply to the</p> <p>5 Amtrak crew operating on the Point Defiance Bypass?</p> <p>6 A. I -- yes, it would have.</p> <p>7 Q. Okay. Did General Order 2017-08 apply to the</p> <p>8 crew that was operating on the Point Defiance?</p> <p>9 A. I don't recall what 2017-08 was.</p> <p>10 Q. Did General Order 2017-09 apply to the crew</p> <p>11 operating on the Point?</p> <p>12 MR. WACKERBARTH: I'll just object to</p> <p>13 the form.</p> <p>14 A. I -- I would have to look at the general order</p> <p>15 in order to know whether or not it was still in effect</p> <p>16 at the time and not canceled by another general order.</p> <p>17 Q. (BY MR. DRISCOLL) How about general order</p> <p>18 2017-10?</p> <p>19 MR. WACKERBARTH: Same objection.</p> <p>20 A. Again, same.</p> <p>21 Q. (BY MR. DRISCOLL) How about general order</p> <p>22 2017-11?</p> <p>23 A. It would -- again, I'd have to see the general</p> <p>24 orders to see which general order was -- were still in</p> <p>25 effect.</p>



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1 Q. And none of the general orders that were in  
2 effect to the best of your knowledge and understanding  
3 for the Point Defiance Bypass included Milepost 19.8  
4 needed to comply with the FAST Act, true?  
5 MR. WACKERBARTH: Object to the form.  
6 A. True.  
7 Q. (BY MR. DRISCOLL) Okay. And Amtrak as a  
8 servicing railroad has to comply with the FAST Act to  
9 the best of your knowledge and understanding, true?  
10 MR. WACKERBARTH: Object to the form.  
11 Calls for a legal conclusion, and it's been asked and  
12 answered.  
13 A. Amtrak complied by way of the speed board  
14 posted by Sound Transit, the advance speed board posted  
15 by Sound Transit.  
16 Q. (BY MR. DRISCOLL) Is it your testimony here  
17 that Amtrak can rely on a host railroad to comply with  
18 the FAST Act?  
19 MR. WACKERBARTH: Object to the form.  
20 A. If the host railroad has complied with it,  
21 yes.  
22 Q. (BY MR. DRISCOLL) Well, to comply with the  
23 FAST Act, doesn't the conductor have to inform the  
24 engineer of that post, that speed warning?  
25 MR. WACKERBARTH: Object to the form.

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1 upcoming permanent speed restriction, true?  
2 MR. WACKERBARTH: Object to the form.  
3 A. I myself?  
4 MR. DRISCOLL: Yeah.  
5 A. That's why I say I, myself, was not there.  
6 Q. (BY MR. DRISCOLL) Okay. Did you train any of  
7 the conductors here and qualify them?  
8 A. No.  
9 Q. Are you aware of anyone who trained or  
10 qualified any of these conductors that specifically  
11 identified and told the conductors to call out the  
12 permanent speed restriction and inform the engineer  
13 verbally?  
14 A. I am not familiar.  
15 Q. The fact that there is a speed warning sign  
16 two miles before Milepost 19.8, that would be at 17.8,  
17 that does not release Amtrak and its employees of its  
18 responsibility under the FAST Act, true?  
19 MR. WACKERBARTH: Object to the form.  
20 Calls for a legal conclusion, and it's argumentative.  
21 A. I would be speculating if I said that was --  
22 that that was true.  
23 Q. (BY MR. DRISCOLL) Okay. So you can testify  
24 on cross that because the sign is there you've complied  
25 with the FAST Act, but you can't tell me whether or not

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1 Calls for a legal conclusion.  
2 A. If the railroad has complied by way of posting  
3 the advance notice.  
4 Q. (BY MR. DRISCOLL) Okay. Amtrak's a railroad,  
5 right?  
6 MR. WACKERBARTH: Object.  
7 A. Correct.  
8 Q. (BY MR. DRISCOLL) So Amtrak, since you are  
9 the assistant superintendent, to the best of your  
10 understanding and knowledge, Amtrak, separate and apart  
11 from the host railroad, has to comply with the FAST  
12 Act, true?  
13 MR. WACKERBARTH: Objection. Calls for  
14 a legal conclusion. It's been asked and answered.  
15 A. In as far as the FAST Act states. It would  
16 depend on the circumstance.  
17 Q. (BY MR. DRISCOLL) Okay. So did you provide  
18 training to the conductors to call out to warn the  
19 engineer of the sign?  
20 MR. WACKERBARTH: Objection. Lacks  
21 foundation.  
22 A. I did not.  
23 Q. (BY MR. DRISCOLL) Okay. So you didn't  
24 provide training to the conductors to comply with the  
25 FAST Act to give a verbal warning to the engineer of an

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1 if they're trained to do the verbal call-out, whether  
2 or not Amtrak is supposed to comply with the FAST Act?  
3 Is that what you're saying under oath here  
4 today?  
5 MR. WACKERBARTH: Object to the form.  
6 It's argumentative.  
7 A. Telling you that Amtrak was in compliance by  
8 way of the host railroad having the speed board on  
9 there.  
10 Q. (BY MR. DRISCOLL) Who told you that Amtrak  
11 was in compliance with the FAST Act by having the speed  
12 board at Milepost 17.8?  
13 MR. WACKERBARTH: Object to the form.  
14 It assumes facts not in evidence.  
15 A. I can't recall.  
16 Q. (BY MR. DRISCOLL) Who told you, sir, that  
17 Amtrak was in compliance with the FAST Act for having a  
18 speed board at Milepost 17.8?  
19 MR. WACKERBARTH: Object to the form.  
20 Mischaracterizes the evidence. Lacks foundation.  
21 Argumentative. Asked and answered.  
22 A. I do not -- I do not know. I do not recall.  
23 Q. (BY MR. DRISCOLL) What documentation have you  
24 read that informs you that Amtrak complied with the  
25 FAST Act by having a warning board at 17.8?

